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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,848	01/19/2001	David R. Rhee	RHEE 4	9239

7590 07/27/2005

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EXAMINER

VU, VIET DUY

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/765,848

Applicant(s)

RHEE, DAVID R.

Examiner

Viet Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 and 28-30 is/are pending in the application.
- 4a) Of the above claim(s) 29-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 29 and 30 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Restriction:

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-26 and 28, drawn to method of processing a structured message, classified in class 709, subclass 206.

II. Claims 29-30, drawn to method of forwarding messages securely in a communication network, classified in class 709, subclass 206 and class 713, subclass 201.

The inventions are distinct, each from the other because of the following reasons: Inventions I and II are related as combination and subcombinations. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP 806.05(c)). In the instant case, the combination I as claimed do not require the particulars of the subcombination II as claimed because conventional message delivering system can be used in the invention I. The subcombination II has separate utility such as a security feature to limit the transferability of original message to other users.

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2. Newly submitted claims 29 and 30 are directed to an invention that is independent or distinct from the invention originally claimed for the reasons set forth above.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 29 and 30 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Art Rejections:

3. The text of 35 U.S.C. § 103(a) cited in the previous office action is hereby incorporated by reference.

4. Claims 1-26 and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ball et al, U.S. pat. No. 6,459,774.

Per claims 1-3, Ball discloses a system and method for managing structured messages having multiple message portions comprising:

a) providing a user an indication of at least one of said messages which includes multiple message portions being available for access by the user (see col 7, lines 52-65 and col 8, lines 55-60);

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- b) upon selection by the user of the available message, providing the user an indication indicating that the selected message includes both an initial audio message and one or more audio attachments (col 8, lines 34-52);
- c) providing the user option for selecting one message portion from the message which includes an initial audio message with one or more audio attachments; and
- d) upon selection by the user of the one message portion of the selected message, causing only said selected portion to be provided to said user (see col 10, lines 15-28).

Ball does not explicitly teach providing a signal to user indicating the arrival of the message. An official notice is taken that the use of a message notification to inform user of a new message is well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize any known notification signals to inform user of new messages because it would have enabled implementing a functional message system in Ball.

Per claims 4-10, it is noted that Ball's teachings can be implemented using a computer terminal or phone terminal (see col 4, lines 44-57). It would have been obvious to one skilled in

the art that any input keys or sequences can be used to access the messages.

Per claim 11, Ball teaches providing user option to manage the message including replaying the message (see col 9, lines 5-8).

Per claims 12-13, it is noted that a conventional email message comprises a header and body portion where the header comprises address and pointer information (see col 7, lines 60-65).

Per claim 14, Ball also teaches using structured message to restrict selection of more or more portions of the message based upon user's input (see col 17, lines 57-67).

Per claim 15, Ball also teaches using structured message to restrict forwarding one or more portions of the message based upon user's identity, e.g., registering for a course (see col 20, lines 25-67).

Claims 16-26 and 28 are similar in scope as that of claims 1-15.

Response to Amendment:

5. Applicant's arguments filed on 7/11/05 with respect to claims 1-26 and 28 have been fully considered but they are not found persuasive.

Applicant alleges that Ball does not disclose a message that comprises a plurality of audio attachments added by one or more users other than the original sender of the message.

The examiner is unable to find the alleged limitation in the present claims, i.e. attachments added by different users. Therefore, it is submitted that Ball's teachings meet the claim limitations as discussed in item 2 above.

Per new claim 28, this claim also fails to define the invention over prior art because "another user" in this claim is regarded as the sender of the original message while "a user" is seen as a receiver of the message. Again the claim fails to specify that attachments are created and added to the original message by different users.

Conclusion:

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 571-272-3977. The examiner can normally be reached on Monday through Thursday from 8:00am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached on 571-272-3964.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on

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access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



VIET D. VU
PRIMARY EXAMINER

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7/25/05